

Dated: August 28th, 2024



Whitman L. Holt
Bankruptcy Judge

* TEXT REDACTED IN AREA RESERVED FOR COURT USE PER LBR 9013-1(c)(2)(A)

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WASHINGTON

In re:

MARVIN L ESTES, JR. AND JOANNE
ESTES,

Debtors.

Case No. 22-00826-WLH12

FINDINGS OF FACT AND
CONCLUSIONS OF LAW

THIS MATTER came before the ~~above entitled~~ court for confirmation of the Debtors' Second Amended Chapter 12 Plan of Reorganization (the "Plan") [ECF No. 128], with such confirmation hearing being held by telephone conference on August 26, 2024. The court has read the Declaration of Marvin Estes [ECF No. 132] and reviewed the Plan, and having heard the statements of counsel, makes the following findings of fact and conclusions of law:

FINDINGS OF FACT ~~AND CONCLUSIONS OF LAW~~

1. Marvin and Joanne Estes filed their Chapter 12 bankruptcy on September 1, 2022, under case number 22-00826-WLH12.

2. On December 27, 2022, Debtors filed a stipulated motion to extend the time to file ~~their Plan~~ a plan to January 16, 2023 [ECF No. 51].

3. An order was entered on December 28, 2022, extending the time in which Debtors had to file ~~their Plan~~ a plan to January 16, 2023 [ECF No. 53].

4. The Debtors² filed ~~their~~ a Chapter 12 Plan on January 13, 2023 [ECF No. 57]. ~~and served it on all parties in interest on the same date [ECF No. 59].~~

FINDINGS OF FACT AND
CONCLUSIONS OF LAW - 1

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5. All creditors were given proper notice of the Debtors' Chapter 12 Plan [ECF No. 58].

6. Debtors filed a First Amended Chapter 12 Plan [ECF No. 111] on May 14, 2024,⁵ and served it on all parties in interest on the same date [ECF No. 112].

7. Debtors filed ~~a Second Amended Chapter 12~~ the Plan [ECF No. 128] on ~~May 14~~ **July 26**, 2024, and served it on all parties in interest on the same date [ECF No. 130].

8. The notice period for ~~Debtor's Second Amended Chapter 12~~ the Plan has expired.

9. No objections to the ~~Debtors'~~ Plan have been filed.

10. The budget projections attached to the ~~Debtors' Second Amended Chapter 12~~ Plan indicate the ~~p~~Plan is feasible and the Debtors will ~~more likely than not~~ be able to make their plan payments as set forth in the Plan.

~~11. All fees, charges or amounts required to be paid under Title 28 U.S.C. § 1911 or the Plan, to be paid before confirmation, have been paid.~~

~~From the foregoing Findings of Fact, the court makes the following~~

CONCLUSIONS OF LAW

1. The Plan complies with the applicable provisions of the Bankruptcy Code.

2. The ~~Debtors'~~ Plan proposes to pay all unsecured creditors a pro rata percentage over 3 years. The property to be distributed under the Plan on account of each allowed unsecured claim is not less than the amount that would be paid on such claim if the estate of the Debtors were liquidated under Chapter 7 of the Bankruptcy Code.

3. The owners of allowed secured claims have accepted the ~~Debtors'~~ Plan. The Plan provides that the holders of secured claims shall retain their liens and the payments to such creditors are not less than the allowed amounts of their claims.

~~4. The Debtors will be able to make all plan payments and comply with the plan.~~

4. The Chapter 12 Trustee ~~will receive~~ is entitled to compensation pursuant to 28

1 U.S.C. § 586(e)(1)(B)(ii).

2 5. The Plan has been proposed in good faith and ~~is~~ not by any means forbidden by
3 law.

4 ~~DATED this 27th day of August 2024.~~

5 GRAVIS LAW, PLLC
6 Attorneys for Debtors

7 BY: /s/ John W. O'Leary
8 JOHN W. O'LEARY, WSBA #33004

9 * Changes made by court
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FINDINGS OF FACT AND
CONCLUSIONS OF LAW - 3

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